

FILED

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL DOUGLAS CARLIN,

Defendant.

CR 09-0034 SI

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME**

On February 10, 2009, the parties in this case appeared before the Court for a status conference. The parties stipulated and the Court agreed that time should be excluded from the Speedy Trial Act calculations from February 10, 2009, through February 27, 2009, for effective preparation of defense counsel. The parties represented that granting the continuance would allow the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best

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STIP. & [PROPOSED] ORDER EXCLUDING TIME
CASE NO. CR 09-0034 SI

interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

/s/

DATED: _____

OWEN P. MARTIKAN
Assistant United States Attorney

/s/

DATED: _____

JODI LINKER
Attorney for Michael Carlin

[PROPOSED] ORDER

As the Court found on February 10, 2009, and for the reasons stated above, an exclusion of time from February 10, 2009, through February 27, 2009, is warranted because the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. *See* 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: 2-17-09


HON. MARIA-ELENA JAMES
United States Magistrate Judge